

Claimant alleges accidental injury on March 28, 1996, with aggravations through May 14, 1996. Claimant has undergone extensive physical examinations with the doctors

so far unable to pinpoint any specific physical injury suffered by claimant on the dates alleged. All of the tests including CT scans, x-rays, EMG's, MRI's, and numerous physical examinations have resulted in a finding of no physical impairment. The doctors do agree that a psychiatric consultation is in order and claimant has been referred for psychiatric examination of a hysterical conversion reaction.

The law in the state of Kansas dealing with a traumatic neurosis is clearly set out in Love v. McDonald's Restaurant, 13 Kan. App. 2d 397, 771 P.2d 557 (1989). The Court in Love set forth certain proof which must be met in order for claimant to obtain benefits for a mental condition. Claimant must first show (1) she suffered a physical injury; (2) she suffers symptoms of traumatic neurosis; and (3) the symptoms are directly traceable to the physical injury. The medical records placed into evidence by J. Steven Schwarting, M.D., the treating physician, indicate claimant has suffered no physical injury. Dr. Schwarting also finds no connection between claimant's ongoing traumatic neurosis and claimant's work with respondent.

The Appeals Board finds, based on the medical evidence in the record, that claimant has failed to prove her entitlement to benefits for the alleged injuries of March 28, 1996, and May 14, 1996. Therefore, the Appeals Board finds that the Order of Administrative Law Judge Bryce D. Benedict denying claimant benefits should be and is hereby affirmed.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Bryce D. Benedict dated October 9, 1996, should be, and is hereby, affirmed and remains in full force and effect.

IT IS SO ORDERED.

Dated this ____ day of December 1996.

BOARD MEMBER

c: Henry O. Boaten, Topeka, KS
Steffanie L. Stracke, Overland Park, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director